

House Amendment 1020

PAG LIN

1 1 Amend House File 234 as follows:
1 2 #1. By striking page 1, line 1, through page 3,
1 3 line 12, and inserting the following:
1 4 <Section 1. NEW SECTION. 161D.9 MISSOURI RIVER
1 5 PRESERVATION AND LAND USE.
1 6 1. LEGISLATIVE FINDINGS. The general assembly
1 7 finds that the Missouri river is an important natural
1 8 resource to the state of Iowa and that the creation of
1 9 comprehensive plans which lead to the purchase,
1 10 development, and preservation of land adjacent to the
1 11 Missouri river will provide recreational and economic
1 12 benefits to the state and to the counties and cities
1 13 which border on the river. The general assembly
1 14 further finds that current planning and purchase
1 15 efforts relating to development of Missouri riverfront
1 16 property have fallen short of the goal of developing a
1 17 comprehensive plan for the recreational development of
1 18 the Missouri river and that giving the loess hills
1 19 development and conservation authority the mission of
1 20 engaging in these efforts will have a greater
1 21 likelihood of reaching the desired goal.
1 22 2. DUTIES OF AUTHORITY.
1 23 a. The authority may engage in comprehensive
1 24 planning for and the development and implementation of
1 25 strategies designed to preserve and restore the
1 26 natural beauty of the land adjacent to and the water
1 27 of the Missouri river through land acquisition.
1 28 Planning and implementation activities may be
1 29 coordinated with plans and implementation activities
1 30 of the department of natural resources for lands owned
1 31 or acquired by the department.
1 32 b. The mission of the authority is to research,
1 33 develop comprehensive plans, and implement strategies
1 34 which emphasize the creation of multipurpose
1 35 recreational areas that foster and accent the natural
1 36 characteristics of the Missouri river and which
1 37 provide for environmentally sound land and water use
1 38 practices for land adjacent to the Missouri river; to
1 39 designate and prioritize for purchase parcels of land
1 40 which are located in areas critical for the
1 41 environmental health of the Missouri river waterway;
1 42 to develop plans for and to acquire parcels of land to
1 43 establish a public greenbelt along the banks of the
1 44 Missouri river; to develop plans for public
1 45 recreational use of lands adjacent to the Missouri
1 46 river, including but not limited to a public bicycle
1 47 trail; and to cooperate with county and city
1 48 authorities and federal and state authorities in order
1 49 to fulfill the mission of the authority.
1 50 c. The authority may develop plans and proposals
2 1 and conduct public hearings relating to the
2 2 conservation, preservation, and acquisition of land
2 3 adjacent to the Missouri river. In developing plans
2 4 and proposals, the authority may consult with any
2 5 person or organization which has interests that would
2 6 be affected by the acquisition and development of
2 7 Missouri river property in accordance with the mission
2 8 of the authority, including but not limited to utility
2 9 companies, municipalities, agricultural organizations,
2 10 the corps of engineers, rural water districts, soil
2 11 and water conservation districts, private water
2 12 suppliers, business and industry organizations,
2 13 drainage and levee district associations, benefited
2 14 recreational lake districts, and any soil conservation
2 15 organizations. The authority may include a copy of
2 16 any plans and proposals and may document the results
2 17 and findings of those hearings in a report or series
2 18 of reports.
2 19 d. The authority shall administer the Missouri
2 20 river preservation and land use fund established under
2 21 subsection 3, and shall deposit and expend moneys in

2 22 the fund for the development of plans for, development
2 23 of, and purchase of lands adjacent to the Missouri
2 24 river and for annual payment of property taxes on any
2 25 land purchased. The county treasurer shall certify
2 26 the amount of taxes due the authority. The assessed
2 27 value of the property held by the authority shall be
2 28 that value determined under section 427.1, subsection
2 29 18, and the authority may protest the assessed value
2 30 in the manner provided by law for any property owner
2 31 to protest an assessment. For purposes of chapter
2 32 257, the assessed value of any property which was
2 33 acquired by the authority shall be included in the
2 34 valuation base of the school district and the payments
2 35 made by the authority shall be considered as property
2 36 tax revenues and not as miscellaneous income. The
2 37 expenditure of funds may include, but is not limited
2 38 to, use of moneys from the Missouri river preservation
2 39 and land use fund to match funds from state, federal,
2 40 and private resources.

2 41 e. The title to all property purchased by the
2 42 authority shall be taken in the name of the state, but
2 43 land shall not be acquired through condemnation
2 44 proceedings and all purchases shall be from willing
2 45 sellers. The authority may transfer jurisdiction over
2 46 any lands the authority acquires to the department of
2 47 natural resources, or may enter into agreements with
2 48 the department or the appropriate county conservation
2 49 board, for the management of the lands. All lands
2 50 purchased shall be for public use, and not for private
3 1 commercial purposes, but the authority may permit the
3 2 expenditure of private funds for the improvement of
3 3 land or water adjacent to or purchased by the
3 4 authority. All surveys and plats of lands purchased
3 5 by the authority shall be filed in the manner provided
3 6 in section 461A.22. Land purchased by the authority
3 7 shall be managed and policed in the manner provided
3 8 under agreements between the authority and the agency
3 9 responsible for management of the property, except
3 10 that, subject to the restrictions contained in chapter
3 11 455B, the authority shall not be required to obtain
3 12 the prior permission of the natural resource
3 13 commission when using private funds to establish land
3 14 or water recreational areas, and any property
3 15 purchased by the authority shall not be sold without
3 16 the prior notification and consent of the authority.

3 17 3. MISSOURI RIVER PRESERVATION AND LAND USE FUND.
3 18 A Missouri river preservation and land use fund is
3 19 established in the office of treasurer of state, to be
3 20 administered by and subject to the use of the
3 21 authority for the purposes established in subsection
3 22 2. The Missouri authority may accept gifts, grants,
3 23 bequests, other moneys including but not limited to
3 24 state or federal moneys, and in-kind contributions for
3 25 deposit in the fund for the use of the authority to
3 26 carry out the authority's mission. Gifts, grants, and
3 27 bequests from public and private sources, state and
3 28 federal moneys, and other moneys received by the
3 29 authority shall be deposited in the fund and any
3 30 interest earned on the fund shall be credited to the
3 31 fund to be used for the purposes specified in
3 32 subsection 2. Notwithstanding section 8.33, any
3 33 unexpended or unencumbered moneys remaining in the
3 34 fund at the end of a fiscal year shall not revert, but
3 35 shall remain available for expenditure by the
3 36 authority in succeeding fiscal years.

3 37 Sec. 2. Section 456A.14, Code 2003, is amended to
3 38 read as follows:

3 39 456A.14 TEMPORARY APPOINTMENTS == PEACE OFFICER
3 40 STATUS.

3 41 The director may appoint temporary officers for a
3 42 period not to exceed six months and may adopt minimum
3 43 physical, educational, mental, and moral requirements
3 44 for the temporary officers. Chapter 80B does not
3 45 apply to the temporary officers. Temporary officers
3 46 have all the powers of peace officers in the
3 47 enforcement of this chapter and chapters 161D, 321G,
3 48 456B, 461A, 461B, 462A, 462B, ~~463B~~, 465C, 481A, 481B,
3 49 482, 483A, 484A, and 484B, and the trespass laws.

3 50 Sec. 3. Section 456A.24, subsection 12, Code 2003,
4 1 is amended to read as follows:

4 2 12. Adopt rules authorizing officers and employees

4 3 of the department who are peace officers to issue
4 4 warning citations for violations of this chapter and
4 5 chapters 161D, 321G, 350, 456B, 457A, 461A through
4 6 461C, 462A, 462B, ~~463B~~, 464A, 465A through 465C, 481A,
4 7 481B, 482, 483A, 484A, and 484B.
4 8 Sec. 4. Section 461A.78, Code 2003, is amended to
4 9 read as follows:
4 10 461A.78 METHOD NOT EXCLUSIVE.
4 11 This division shall not be the exclusive method for
4 12 establishing a water recreational area and shall not
4 13 be construed to prohibit the establishment of public
4 14 recreational areas by the ~~Missouri river preservation~~
~~4 15 and land use loess hills development and conservation~~
4 16 authority under chapter ~~463B~~ 161D.
4 17 Sec. 5. Section 481A.1, unnumbered paragraph 1,
4 18 Code 2003, is amended to read as follows:
4 19 Words and phrases as used in this chapter and
4 20 chapters 161D, 350, 456A, 456B, 457A, 461A through
4 21 461C, 462A, 462B, ~~463B~~, 464A, 465A through 465C, 481B,
4 22 482, 483A, 484A, and 484B and such other chapters as
4 23 relate to the subject matter of these chapters shall
4 24 be construed as follows:
4 25 Sec. 6. Chapter 463B, Code 2003, is repealed.>
4 26 #2. By renumbering as necessary.
4 27
4 28
4 29
4 30 _____
4 31 BOGGESS of Page
4 32
4 33
4 34 _____
4 35 FREEMAN of Buena Vista
4 36
4 37
4 38 _____
4 39 WHITEAD of Woodbury
4 39 HF 234.302 80
4 40 av/cf